

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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NORTH EAST MARINE, INC., et al.,

Plaintiffs,

-against-

ROBERT BOODY, et al.,

Defendants.

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**MEMORANDUM
AND ORDER**

09-CV-5600 (CBA)

ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

The Court is in receipt of the various parties' responses to this Court's Order To Show Cause dated January 28, 2011, ECF Docket Entry ("D.E.") #32. See D.E. #s 33-38. While several parties (i.e., Metro Marine, Francois Guillet, and El Sol Contracting) appear to be indifferent as to whether discovery should be reopened, plaintiff North East Marine and claimant Boody acknowledge that discovery has not been completed, despite the expiration of the court-imposed deadlines for discovery. The Court will reopen discovery, but declines claimant's invitation to place this case on a slow discovery track. Absent a contrary ruling from Judge Amon, claimant's preference to stay this action and to litigate liability and damages in state court will not dictate the pace of discovery in this case.

Fact discovery is reopened until March 11, 2011. Boody's expert disclosure shall be filed by April 1, 2011; the remaining parties' expert disclosure shall be filed by May 2, 2011.

Boody complains that El Sol has not provided documents in response to Boody's document demands. Boody does not deny that he served the identical document demands on

all parties, without specifying which demands are directed toward any particular party. El Sol rightfully objected on that ground. It is no answer for Boody to say that El Sol should be able to figure out which demands are addressed to it. See Letter to the Court from Paul T. Hofmann (Jan. 19, 2011) at 3, D.E. #26. If Boody desires specific documents from El Sol -- or from Northeast Marine -- Boody should serve a new demand for such documents on the party from whom those documents are sought. Boody's blunderbuss document demands on all parties are hereby stricken.

Boody's request for a status conference on February 7th is denied. The parties shall confer and submit a status report by May 4, 2011.

SO ORDERED.

**Dated: Brooklyn, New York
February 3, 2011**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**